

May 15, 2007 CPC
June 27, 2007 BS



STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

07SN0309

Roper Bros Lumber Co Inc.
and
Nash Road/Woodpecker Road LLC

Matoaca Magisterial District
Spring Run Elementary, Bailey Bridge Middle, and Manchester High Schools Attendance Zones
Southwest quadrant of Woodpecker and Cattail Roads

REQUEST: Rezoning from Agricultural (A) to Residential (R-88) with Conditional Use to permit recreational use.

PROPOSED LAND USE:

A single family residential subdivision, with supporting community recreational uses is planned, on lots with a minimum area of one and one-half (1.5) acres. A maximum density of 0.5 dwelling units per acre is permitted in the Residential (R-88) District, yielding approximately 104 dwelling units. The average actual density of recorded developments in the Residential (R-88) District between 2004 and 2006 utilizing public water and individual septic systems was 0.36 dwelling units per acre, yielding approximately seventy-five (75) dwelling units.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITION ON
PAGES 2 THROUGH 6.

STAFF RECOMMENDATION

Recommend approval, for the following reasons:

- A. While the proposed zoning and land uses conform to the Southern and Western Area Plan which suggests the property is appropriate for residential use of 1-5 acre lots suited to R-88 zoning.
- B. The proffered conditions adequately address the impacts of this development on the necessary capital facilities as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public facilities Plan, the Thoroughfare Plan and the Capital Improvement Program, and the impact of this development is discussed herein. The proffered conditions mitigate the impact on capital facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of county citizens.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER(S) MAY PROFFER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

PROFFERED CONDITIONS

The Applicants (the "Applicants") in this zoning case, pursuant to §15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for himself and his successors or assigns, proffers that the development of the property known as Chesterfield County Tax Identification Numbers 766-639-8114-00000 and 767-640-1470-00000 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for R-88 with Conditional Use is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffers and conditions shall immediately be null and void and of no further force or effect. If the zoning is granted, these proffers and conditions will supersede all proffers and conditions now existing on the Property.

(STAFF/CPC)

1. Transportation.

A. Dedications. In conjunction with recordation of the initial subdivision plat, the following rights-of-way shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County:

- (a) Forty-five (45) feet of right of way, on the south side of Woodpecker Road, measured from a revised centerline of Woodpecker Road based on VDOT Urban Minor Arterial (50 MPH) standards with modifications approved by the Transportation Department, immediately adjacent to the Property.

- (b) Forty-five (45) feet of right of way, on the west side of Cattail Road, measured from a revised centerline of Cattail Road based on VDOT Urban Minor Arterial (50 MPH) standards with modifications approved by the Transportation Department, immediately adjacent to the Property.

B. Access. Direct vehicular access from the Property to Woodpecker Road shall be limited to one (1) public road. Direct vehicular access from the Property to Cattail Road shall be limited to one (1) public road. The exact location of these accesses shall be approved by the Transportation Department.

C. Road Improvements. The Applicant shall be responsible for the following:

- a. Widening/improving the south side of Woodpecker Road to an eleven (11) foot wide travel lane, measured from the centerline of Woodpecker Road with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder and overlaying the full width of the road with one and one-half (1.5) inches of compacted bituminous asphalt concrete, with modifications approved by the Transportation Department, for the entire Property frontage.
- b. Widening/improving the west side of Cattail Road to an eleven (11) foot wide travel lane, measured from the centerline of Cattail Road with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder and overlaying the full width of the road with one and one-half (1.5) inches of compacted bituminous asphalt concrete, with modifications approved by the Transportation Department, for the entire Property frontage.
- c. Construction of additional pavement along Woodpecker Road and along Cattail Road at each approved access to provide left and right turn lanes.

- d. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the road improvements described above.

D. Transportation Phasing Plan. Prior to any construction plan or site plan approval, whichever occurs first, a phasing plan for the required road improvements, as identified in Proffered Condition 1.c., shall be submitted to and approved by the Transportation Department. (T)

(STAFF/CPC)

- 2. Timbering. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)

(STAFF/CPC)

- 3. Recreational Facilities. Any recreational facilities shall be subject to the following restrictions:
 - a. There shall be no outside public address systems or speakers with the exception for pool usage.
 - b. With the exception of playground areas which accommodate swings, jungle gyms, or similar such facilities, all outdoor play fields, courts, swimming pools and similar active recreational areas shall be located a minimum of one hundred (100) feet from any proposed or existing single family residential lot line and a minimum of fifty (50) feet from any existing or proposed public road.
 - c. Within the one hundred (100) foot and fifty (50) foot setbacks, a fifty (50) foot buffer shall be provided along the perimeter of all active recreational facilities except where adjacent to any existing or proposed roads. This buffer shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers.
 - d. Any playground areas (i.e., areas accommodating swings, jungle gyms or similar such facilities) shall be located a minimum of forty (40) feet from all property lines. A forty (40) foot buffer shall be provided along the perimeter of these recreational facilities except where adjacent to any

existing or proposed roads. This buffer shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers.

- e. Nothing herein shall prevent development of indoor facilities and/or parking within the one hundred (100) foot setback.
- f. In conjunction with the recordation of any lot adjacent to active recreational area(s), such area(s) shall be identified on the record plat along with the proposed recreational uses and required conditions. (P)

(STAFF/CPC)

4. Cash Proffer.

The applicant, subdivider, or assignee(s) (the “Applicant”) shall pay the following to the County of Chesterfield prior to the issuance of a building permit for each dwelling unit for infrastructure improvements within the service district for the property:

- a. \$15,600 per dwelling unit if paid prior to July 1, 2007. At the time of payment, the \$15,600 will be allocated pro-rata among the facility costs as follows: \$5,331 for schools, \$602 for parks and recreation, \$348 for library facilities, \$8,915 for roads, and \$404 for fire stations; or
- b. The amount approved by the Board of Supervisors not to exceed \$15,600 per dwelling unit prorated as set forth above and adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2007.
- c. If, upon the mutual agreement of the Transportation Department and the Applicant, the Applicant provides road improvements (the “Improvements”), other than those road improvements identified in Proffered Condition 1.c., then the transportation component in this Proffered Condition shall be reduced by an amount not to exceed the cost to construct the Improvements so long as the cost is of equal or greater value than that which would have been collected through the payment(s) of the road component of the cash proffer as determined by the Transportation Department. Once the sum total amount of the cash proffer credit exceeds the cost of the Improvements, as determined by the

Transportation Department, thereafter the Applicant shall commence paying the cash proffer as set forth in this Proffered Condition as adjusted for the credit. For the purposes of this proffer, the costs, as approved by the Transportation Department, shall include, but not be limited to, the cost of right-of-way acquisition, engineering costs, costs of relocating utilities and actual costs of construction (including labor, materials, and overhead) (“Work”). Before any Work is performed, the Applicant shall receive prior written approval by the Transportation Department for the Improvements and any credit amount.

- d. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B & M, T)

- (STAFF/CPC)
- 5. The existing dam which forms Lake Margaret shall be given a complete geotechnical and hydraulic clean bill of health by qualified professional engineers. All deficiencies noted must be corrected. The Environmental Engineering Department must receive documentation issued by the Virginia Department of Dam Safety that Lake Margaret is in full compliance with the Virginia Dam Safety Act. The achievement of the above shall occur prior to the recordation of any lot that is contiguous with Lake Margaret. (EE)

GENERAL INFORMATION

Location:

Southwest quadrant of the intersection of Woodpecker and Cattail Roads. Tax IDs 766-639-8114 and 767-640-1470.

Existing Zoning:

A

Size:

209.2 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North - R-25; Single family residential or vacant
South and West – R-88; Vacant
East - A; Single family residential or vacant

UTILITIES

Public Water System:

The public water system is not directly available to serve this site. The public water system exists north of Woodpecker Road in the Highlands development. The tentative subdivision plan for Lake Margaret subdivision, a development proposed on adjacent property to the south and west of the request property, proposes extending public water across Woodpecker Road with eight (8) inch water lines that will terminate adjacent to the northwestern, southern and eastern boundaries of this site. Use of the public water system is required by County Code.

Public Wastewater System:

The public wastewater system is not available to serve this site. The request site is within the area deemed suitable for R-88 zoning by the Southern and Western Area Plan which suggests development with use of private septic systems is appropriate.

Health Department:

Prior to recordation of a subdivision plat, soils analysis for each lot must be submitted to the Health Department for review and approval.

ENVIRONMENTAL

Drainage and Erosion:

The subject property drains either directly into Lake Margaret or into a portion of the stream between the Lake Margaret dam and Woodpecker Road. There are currently no known on- or off-site erosion problems and none are anticipated after development. The dam that forms Lake Margaret is located on this property. This dam is very old and is constructed on rock. The entire dam acts as a spillway and a portion of the dam/spillway was repaired 10 +/- years ago when the facility was breached. There is no primary spillway and the emergency spillway may or may not be capable of carrying the 100 year storm. There does not appear to be a workable means to lower the lake for repairs. There appear to be some small leaks in the stone sections that remain. Proffered Condition 5 provides the developer will analyze the dam to meet Environmental Engineering's criteria for hydraulics and structural stability and will implement all recommendations of this analysis.

The subject property is wooded and, as such, should not be timbered without obtaining a land disturbance permit from the Department of Environmental Engineering and the appropriate devices installed. (Proffered Condition 2)

PUBLIC FACILITIES

The need for fire, school, library, park and transportation facilities is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program. This development will have an impact on these facilities.

Fire Service:

The Public Facilities Plan indicates that fire and emergency medical service (EMS) calls are expected to increase forty-four (44) to seventy-eight (78) percent by 2022. Six (6) new fire/rescue stations are recommended for construction by 2022 in the Plan. In addition to the six (6) new stations, the Plan also recommends the expansion of five (5) existing stations.

Based on seventy-five (75) dwelling units, this request will generate approximately seventeen (17) calls for fire and emergency medical service each year. The applicant has offered measures to assist in addressing the impact of this development on fire and EMS. (Proffered Condition 4)

The Phillips Fire Station, Company Number 13, and Ettrick Matoaca Volunteer Rescue Squad currently provide fire protection and emergency medical service. When the property is developed, the number of hydrants, quantity of water needed for fire protection, and access requirements will be evaluated during the plans review process.

Schools:

Approximately forty (40) (Elementary: 17, Middle: 10, High: 13) students will be generated by this development. This site lies in the Spring Run Elementary School attendance zone: capacity - 943, enrollment - 1,303; Bailey Bridge Middle School zone: capacity - 1,521, enrollment - 1,563; and Manchester High School zone: capacity - 2,107, enrollment - 2,149. The enrollment is based on September 29, 2006 and the capacity is as of 2006-2007. This request will have an impact on the elementary, middle and high school involved. There are currently eighteen (18) trailers at Spring Run and five (5) at Manchester High.

The new Winterpock Elementary School is scheduled to open this fall and the new Tomahawk Middle School is scheduled to open in 2008. The new elementary school will provide relief for Spring Run and Grange Hall Elementaries and the new middle school will provide relief for schools in this area of the county. This area of the county continues to experience growth and these schools will provide much needed space.

This case combined with other residential developments and zoning cases in the area will continue to push these schools over capacity, necessitating some form of relief in the future. The applicant has offered measures to assist in addressing the impact of this development on schools. (Proffered Condition 4)

Libraries:

Consistent with the Board of Supervisors' policy, the impact of development on library services is assessed countywide. Based on projected population growth, the Public Facilities Plan identifies a need for additional library space throughout the County. Development of property in this area of the County would most likely affect the Central Library or the Ettrick-Matoaca Library. The Public Facilities Plan identifies a need to expand the Ettrick-Matoaca Library and also identifies a need for a new library site to be located in the southeastern part of the County to accommodate growth beyond 2022. The applicant has offered measures to assist in addressing the impact of this development on libraries. (Proffered Condition 4)

Parks and Recreation:

The Public Facilities Plan identifies the need for three (3) new regional parks, seven (7) community parks, twenty-nine (29) neighborhood parks and five (5) community centers by 2020. In addition, the Public Facilities Plan identifies the need for ten (10) new or expanded special purpose parks to provide water access or preserve and interpret unique recreational, cultural or environmental resources. The Plan identifies shortfalls in trails and recreational historic sites. The applicant has offered measures to assist in addressing the impact of this proposed development on these parks and recreational facilities. (Proffered Condition 4)

Transportation:

The property (209.2 acres) is currently zoned Agricultural (A), and the applicant is requesting rezoning to Residential (R-88). Based on single-family trip rates, development could generate approximately 800 average daily trips. These vehicles will be initially distributed along Woodpecker Road and along Cattail Road, which had 2006 traffic counts of 2,183 and 272 vehicles per day (VPD), respectively.

The Thoroughfare Plan identifies Woodpecker Road and Cattail Road as major arterials with recommended right-of-way widths of ninety (90) feet. The applicant has proffered to dedicate forty-five (45) feet of right-of-way, measured from revised centerlines of Woodpecker and of Cattail Roads, in accordance with that Plan. (Proffered Condition 1.A)

Access to major arterials, such as Woodpecker Road and Cattail Road, should be controlled. The applicant has proffered that direct vehicular access from the property to Woodpecker Road and to Cattail Road will be limited to one (1) public road onto each roadway. (Proffered Condition 1.B)

The traffic impact of this development must be addressed. The applicant has proffered the customary road improvements, such as: 1) widen/improve the south side of Woodpecker Road and the west side of Cattail Road to an eleven (11) foot wide travel lane with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder and overlay the full width of both roads for the entire property frontage; and 2) construct left and right turn lanes along Woodpecker Road and along Cattail Road at each approved access (Proffered Condition 1.C). At minimum, these turn lanes and road widening should be provided with each access that is constructed onto the roadways.

Most area roads in this part of the county have little or no shoulders with poor vertical and horizontal alignments. The roads need to be improved to address safety and accommodate the increase in traffic generated by this development. Woodpecker Road and Cattail Road will be directly impacted by this development. Sections of Woodpecker Road between Nash Road and Cattail Road and sections of Cattail Road south of Woodpecker Road range from nineteen (19) to twenty (20) foot wide pavement with minimal shoulders. The capacity of Woodpecker Road is acceptable (Level of Service C) for the volume of traffic it currently carries (2,183 VPD). The capacity of this road is acceptable (Level of Service B) for the low volume of traffic it currently carries (272 VPD).

The applicant has proffered to provide contributions, in an amount consistent with the Board of Supervisors' Cash Proffer Policy, towards mitigating the traffic impact of this development (Proffered Condition 4). Proffered Condition 4 would allow, upon mutual agreement of the Transportation Department and the applicant, the applicant to provide road improvements equal to the cost of such payment(s). This option will be considered at time of tentative subdivision plat review.

As development continues in this part of the county, traffic volumes on area roads will substantially increase. Cash proffers alone will not cover the cost of the improvements needed to accommodate the traffic increases. The only road improvement project in this part of the county included in the Secondary Road Six-Year Improvement Plan is the reconstruction of Nash Road as a two-lane road from Applewhite Lane to East Fair Drive, currently scheduled to begin construction in Spring 2010.

At time of tentative subdivision plat review, specific recommendations will be provided regarding, among other things, access and the internal street network.

Financial Impact on Capital Facilities:

		PER UNIT
Potential Number of New Dwelling Units	75*	1.00
Population Increase	204.00	2.72
Number of New Students		
Elementary	17.48	0.23
Middle	9.75	0.13
High	12.68	0.17
TOTAL	39.90	0.53
Net Cost for Schools	401,100	5,348
Net Cost for Parks	45,300	604
Net Cost for Libraries	26,175	349
Net Cost for Fire Stations	30,375	405
Average Net Cost for Roads	670,650	8,942
TOTAL NET COST	1,173,600	15,648

*Based on an average actual yield of 0.36 dwelling units per acre. The actual number of dwelling units and corresponding impact may vary.

As noted, this proposed development will have an impact on capital facilities. Staff has calculated the fiscal impact of every new dwelling unit on schools, roads, parks, libraries and fire stations at \$15,648 per unit. The applicant has been advised that a maximum proffer of \$15,600 per unit would defray the cost of the capital facilities necessitated by this proposed development. Consistent with the Board of Supervisors' policy, and proffers accepted from other applicants, the applicant has offered cash and road improvements to assist in defraying the cost of this proposed zoning on such capital facilities. (Proffered Condition 4)

Note that circumstances relevant to this case, as presented by the applicant, have been reviewed and it has been determined that it is appropriate to accept the maximum cash proffer in this case.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Southern and Western Area Plan which suggests the property is suitable for residential use of 1 to 5 acres lots (suited for Residential (R-88) zoning).

Area Development Trends:

Area properties to the north are zoned Residential (R-25) and are occupied by single family residential use within the Highlands subdivision or are vacant. Properties to the south and west are zoned Residential (R-88) and are vacant. A tentative subdivision plan for Lake Margaret Subdivision is pending on the adjacent R-88 zoned property. Properties to the east are zoned Agricultural (A) and are occupied by single family residential use or are vacant.

Density and Minimum Lot Areas:

The maximum density permitted in the Residential (R-88) Zoning District is 0.5 dwelling units per acre. With 209.2 acres, this development could yield approximately 104 dwelling units at the maximum density. The average actual density of developments recorded in the Residential (R-88) Zoning District between 2004 and 2006 utilizing public water and individual septic systems, as proposed here, is 0.36 dwelling units per acre. This average actual density would yield approximately seventy-five (75) dwelling units.

The Residential (R-88) District requires that each lot contain a minimum of 88,000 square feet, except the minimum area for lots which do not front on a major arterial may be reduced to 65,340 square feet when either public water or public sewer are provided. The applicant has indicated that this development will utilize public water and individual septic systems. The Residential (R-88) District standards provide a calculation to derive the number of reduced-size lots that would be permitted. The subdivision layout and design, including the minimum lot areas and any open space/bonus lot calculations, are reviewed during the subdivision process.

Recreational Use:

Passive and active recreational uses limited to facilities and uses that primarily serve the surrounding residential community would be permitted within this development. Such uses include, but are not limited to, picnic areas, trails, sidewalks, ponds, swimming pools, tennis courts, basketball courts, playgrounds and clubhouses. Proffered Condition 3 provides for setbacks, buffers and other restrictions to minimize the impact of such uses on surrounding residential uses.

CONCLUSIONS

The proposed zoning and land uses conform to the Southern and Western Area Plan which suggests the property is appropriate for residential use of 1-5 acre lots suited to R-88 zoning and the proffered conditions adequately address the impact of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan.

Given these considerations, approval of this request is recommended.

CASE HISTORY

Applicant (5/15/07):

An additional proffered condition was submitted.

Planning Commission Meeting (5/15/07):

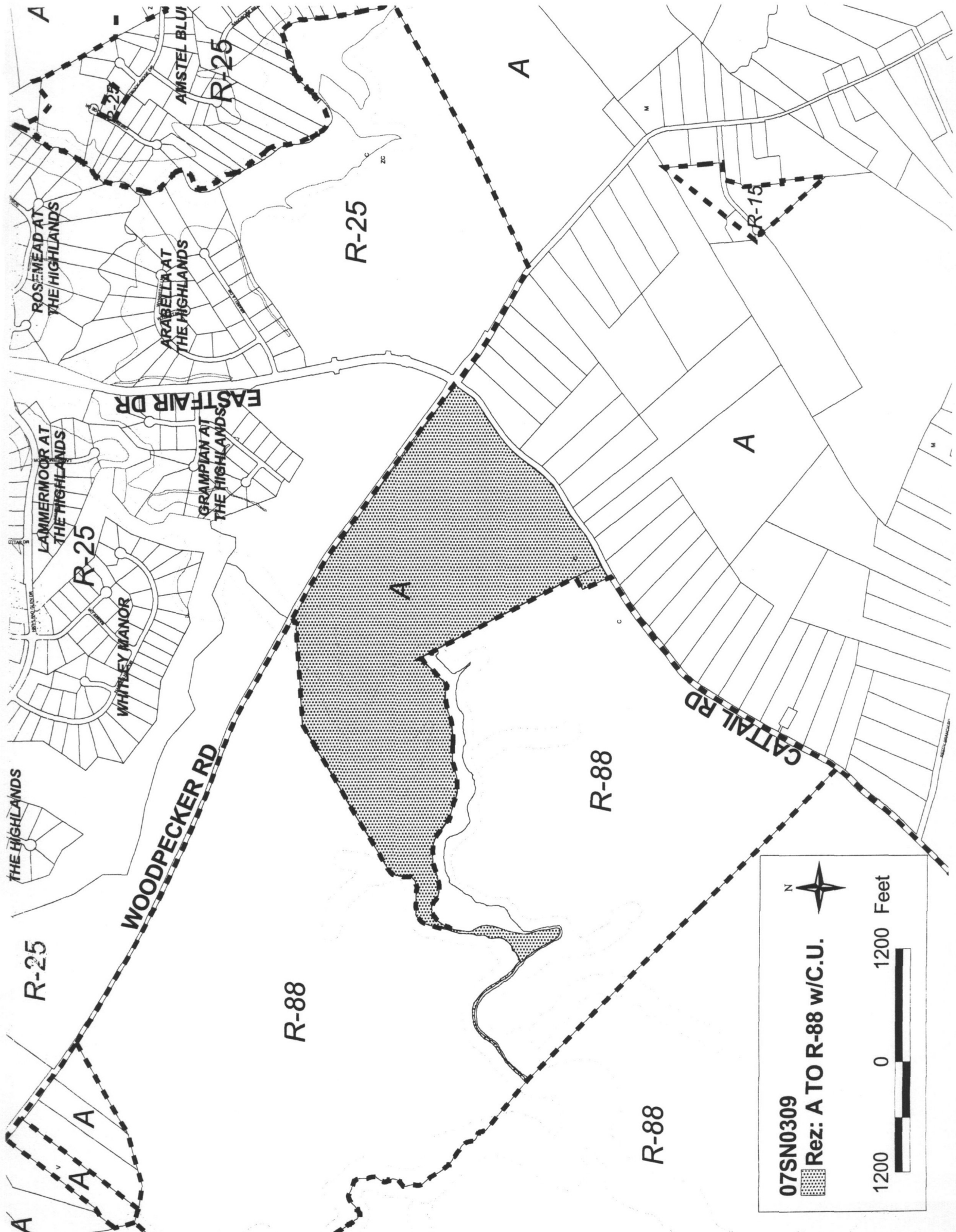
The applicant accepted the recommendation. There was no opposition present.

On motion of Mr. Bass, seconded by approval and acceptance of the proffered conditions on pages 2 through 6.

AYES: Messrs. Gecker, Gulley, Bass, Litton and Wilson.

The Board of Supervisors, on Wednesday, June 27, 2007, beginning at 6:30 p.m., will take under consideration this request.

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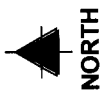


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WOODPECKER RD.

NASH RD.

CASE 07SN0309

EAST/WEST FREEWAY

CATTAIL RD.

THOROUGHFARE PLAN

07SN0309-1

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